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HOUSE BILL 477

**49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009**

INTRODUCED BY

Karen E. Giannini

AN ACT

RELATING TO PROFESSIONAL AND OCCUPATIONAL LICENSING; AMENDING THE COUNSELING AND THERAPY PRACTICE ACT TO PROVIDE FOR CRIMINAL HISTORY BACKGROUND CHECKS AND FINGERPRINTING OF APPLICANTS FOR LICENSURE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of the Counseling and Therapy Practice Act is enacted to read:

"[NEW MATERIAL] CRIMINAL BACKGROUND CHECKS.--

A. The board may adopt rules that provide for criminal background checks for new licensees to include:

(1) requiring criminal history background checks of applicants for licensure pursuant to the Counseling and Therapy Practice Act;

underscored material = new  
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underscoring material = new  
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1 (2) requiring applicants for licensure to be  
2 fingerprinted;

3 (3) providing for an applicant who has been  
4 denied licensure to inspect or challenge the validity of the  
5 background check record;

6 (4) establishing a fingerprint and background  
7 check fee not to exceed seventy-five dollars (\$75.00) to be  
8 paid by the applicant; and

9 (5) providing for submission of an applicant's  
10 fingerprint cards to the federal bureau of investigation to  
11 conduct a national criminal history background check and to the  
12 department of public safety to conduct a state criminal history  
13 check.

14 B. Arrest record information received from the  
15 department of public safety and the federal bureau of  
16 investigation shall be privileged and shall not be disclosed to  
17 persons not directly involved in the decision affecting the  
18 applicant.

19 C. Electronic live fingerprint scans may be used  
20 when conducting criminal history background checks."